

## Message Text

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SUBJECT: HUMAN RIGHTS REPORT

THERE FOLLOWS UNCLASSIFIED TEXT OF HUMAN RIGHTS REPORT ON  
PERU, BEING SUBMITTED TO FRASER SUBCOMMITTEE (SEPTTEL):

### A. HUMAN RIGHTS INFORMATION

#### 1. POLITICAL SITUATION

PERU HAS BEEN RULED BY MILITARY GOVERNMENTS SINCE OCTOBER 3,  
1968. FOR EIGHT YEARS, SUCCESSIVE "REVOLUTIONARY GOVERN-  
MENTS OF THE ARMED FORCES" HAVE CONSCIOUSLY SOUGHT TO PRO-  
MOTE FUNDAMENTAL SOCIAL AND ECONOMIC CHANGES WITHOUT  
VIOLENCE - AND TO SOME EXTENT FOR THE PURPOSES OF PREEMPTING  
IT. BETWEEN 1969 AND 1974, EXTENSIVE AGRARIAN, EDUCATIONAL,  
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BUSINESS AND PRESS REFORMS WERE BEGUN FOR THE AVOWED PURPOSE  
OF CREATING A "SOCIAL DEMOCRACY WITH FULL POPULAR PARTICIPA-  
TION". ALTHOUGH POLITICAL PARTIES WERE NOT PROSCRIBED,  
PARLIAMENT WAS CLOSED, AND INDIVIDUAL CRITICS WERE  
OCCASIONALLY DEPORTED.

ON AUGUST 29, 1975, GENERAL JUAN VELASCO, WHO HAD LED THE  
1968 REVOLUTION BUT WAS INCREASINGLY CHARGED WITH "ERRATIC"

BEHAVIOR, WAS REPLACED IN A BLOODLESS COUP BY THE THEN PRIME MINISTER, GENERAL FRANCISCO MORALES BERMUDEZ. THE NEW PRESIDENT SUBSEQUENTLY ANNOUNCED THAT THE REVOLUTIONARY PROCESS HAD ENTERED A "SECOND PHASE", AND THAT "EXCESSES" WOULD BE "RECTIFIED".

ALTHOUGH THE GENERAL CHARACTER OF THE REGIME HAS REMAINED AUTHORITARIAN, MORALES BERMUDEZ' STYLE OF GOVERNING HAS BEEN MORE MODERATE THAN THAT OF HIS PREDECESSOR. ONE OF HIS FIRST MEASURES ON ASSUMING THE PRESIDENCY WAS TO PROMISE AN AMNESTY FOR THE POLITICIANS AND JOURNALISTS WHO HAD BEEN JAILED OR EXILED UNDER VELASCO. BY EARLY 1976 HE HAD LARGELY FULFILLED THAT PROMISE AND HAD BEGUN TO DEVELOP POLICIES DESIGNED TO STRENGTHEN INDIVIDUAL INITIATIVE AND CONSOLIDATE THE REFORM PROGRAMS.

AN INCREASINGLY DIFFICULT ECONOMIC SITUATION CREATED BY THE WORLD RECESSION AND BY THE DISLOCATIONS AND UNCERTAINTIES CAUSED BY PREVIOUS INTERNAL REFORM POLICIES LED THE GOVERNMENT OF PERU TO ENACT NEEDED BUT UNPOPULAR ECONOMIC AUSTERITY MEASURES IN JUNE-JULY 1976. FOLLOWING DISTURBANCES, THE GOVERNMENT DECREED A NATIONAL STATE OF EMERGENCY AND IMPOSED A CURFEW IN THE CAPITAL. SOME OPPOSITION ACTIVISTS HAVE AGAIN BEEN ARRESTED OR DEPORTED AND SEVERAL WEEKLY MAGAZINES HAVE BEEN CLOSED. HOWEVER, THE APPOINTMENT OF CIVILIAN MINISTERS FOR THE FIRST TIME IN EIGHT YEARS, AND INTENSIFIED GOVERNMENT DISCUSSION OF LIMITED OFFICIAL USE  
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POPULAR PARTICIPATION IN THE POLITICAL PROCESS AT LOWER ADMINISTRATIVE LEVELS HAVE LED TRADITIONAL POLITICAL PARTIES TO HOPE FOR A RENEWED "OPENING TOWARD DEMOCRACY".

## 2. LEGAL SITUATION

THE BASIC PERUVIAN LAW IS THE CONSTITUTION OF 1933, AS AMENDED, WHICH GUARANTEES UNIVERSALLY RECOGNIZED HUMAN RIGHTS. HOWEVER, THE MILITARY GOVERNMENT CONSIDERS THE REVOLUTIONARY STATUTE OF 1968 TO SUPERCEDE THE CONSTITUTION WHEREVER THE TWO CONFLICT. THE CONGRESS HAS BEEN DISBANDED AND ELECTIONS SUSPENDED. LAWS ARE ENACTED BY DECREE, ALTHOUGH SOME ARE SUBMITTED TO AN INVOLVED PROCESS OF CONSULTATION AND QUASI-REFERENDUM BEFORE BEING PROMULGATED.

THE CONSTITUTION PERMITS THE SUSPENSION OF ITS LEGAL PROTECTIONS WHEN THE SECURITY OF THE STATE REQUIRES. THE CURRENT STATE OF EMERGENCY WAS ENACTED IN JULY 1976 IN ACCORDANCE WITH THE CONSTITUTION. SINCE THEN, THE NUMBER OF ARRESTS AND DETENTIONS HAS INCREASED AND THERE HAVE BEEN UNSUBSTANTIATED REPORTS OF MISSING PERSONS. THOSE DETAINED HOWEVER, ARE GENERALLY RELEASED FOLLOWING INTERROGATION.

ALTHOUGH PERUVIAN COURTS ARE NOMINALLY INDEPENDENT OF THE EXECUTIVE, THE GOVERNMENT HAS OCCASIONALLY OVERRULED THEM ON POLICY MATTERS. CIVILIAN COURTS HAVE NO JURISDICTION IN SECURITY CASES.

B. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

1. INTEGRITY OF THE PERSON:

ARTICLE 3 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS:  
THE RIGHTS OF LIFE, LIBERTY AND SECURITY OF PERSON ARE  
GENERALLY RESPECTED. THE GOVERNMENT DOES NOT EXECUTE  
POLITICAL PRISONERS, NOR DOES IT CONDONE FLAGRANT DENIALS  
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OF PERSONAL SECURITY.

ARTICLE 5: THE PERUVIAN GOVERNMENT INSISTS IT DOES NOT  
CONDONE TORTURE AND OTHER INHUMAN AND DEGRADING TREATMENT  
OF DETAINEES. HOWEVER, LAW ENFORCEMENT TECHNIQUES AND  
PRISON CONDITIONS IN PERU HAVE GIVEN RISE TO OCCASIONAL  
REPORTS OF POLICE BRUTALITY.

THE 1974 "REPORT ON TORTURE" OF AMNESTY INTERNATIONAL (AI)  
STATED THAT POLICE BRUTALITY DURING INTERROGATION OF  
COMMON AND POLITICAL PRISONERS HAS ALLEGEDLY BEEN COMMON  
PRACTICE IN PERU FOR MANY YEARS". IT NOTED, HOWEVER, THAT  
"VERY FEW ALLEGATIONS HAD BEEN RECEIVED" AND "THERE WAS NO  
REASON TO BELIEVE THAT TORTURE IS CARRIED OUT BEYOND THE  
INTERROGATION STAGE". IN SEPTEMBER 1974, FOLLOWING A  
SERIES OF DENUNCIATIONS OF TORTURE IN THE DOMESTIC  
PERUVIAN PRESS, (THEN) PRESIDENT VELASCO PUBLICLY CONDEMNED  
POLICE TORTURE AND ANNOUNCED AN INVESTIGATION INTO ITS  
PRACTICE.

ARTICLE 8: PERUVIAN CITIZENS CAN SEEK LEGAL REDRESS FOR  
GOVERNMENT ACTS VIOLATING FUNDAMENTAL RIGHTS GRANTED BY  
THE CONSTITUTION. HOWEVER, BECAUSE SOME OF THOSE RIGHTS  
HAVE BEEN SUSPENDED BY DECREE UNDER THE STATE OF EMERGENCY,  
THEY CANNOT BE SURE OF OBTAINING A REMEDY IN COURT.

ARTICLE 9: PERSONS SUSPECTED OF HOSTILE POLITICAL OR  
SECURITY ACTIVITIES ARE OCCASIONALLY SUBJECTED TO ARBITRARY  
ARREST AND DETENTION WITHOUT CHARGES. DURING THE VELASCO  
REGIME, PARTICULARLY ITS LAST YEARS, AN ESTIMATED 100-150  
PERSONS WERE EXPELLED FROM PERU OR CHOSE VOLUNTARY EXILE.  
THESE INCLUDED STUDENTS, UNION ACTIVISTS AND PEASANT  
LEADERS. PRESIDENT MORALES BERMUDEZ GRANTED AMNESTY TO  
MANY THUS AFFECTED. UNDER THE STATE OF EMERGENCY, HOWEVER,  
HIS GOVERNMENT HAS RESORTED TO SIMILAR MEASURES TO PREVENT

A DETERIORATION OF THE INTERNAL SECURITY SITUATION IN THE  
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FACE OF ECONOMIC DIFFICULTIES AND TO FORESTALL LABOR  
AGITATION. THE GOP INSISTS SUCH MEASURES ARE DIRECTED  
EXCLUSIVELY AGAINST THOSE WHO ADVOCATE VIOLENT OVERTHROW OF  
THE GOVERNMENT. THE AI "ANNUAL REPORT" FOR 1975-76 CITES  
14 POLITICAL PRISONERS AS EITHER UNDER AI ADOPTION OR BEING  
INVESTIGATED BY AI TOWARD ADOPTION; NO FURTHER DETAILS ARE  
GIVEN.

ARTICLE 10: SOME PERSONS ARRESTED FOR SUSPECTED POLITICAL  
AND SECURITY VIOLATIONS HAVE NOT HAD AN OPEN COURT HEARING  
TO DETERMINE RIGHTS AND CHARGES. DETENTION INCOMMUNICADO  
IS ALSO RESORTED TO. THE AI "ANNUAL REPORT" FOR 1975-76  
REFERS TO SUCH DETENTION SUFFERED BY A NUMBER OF TRADE

UNIONISTS AND LEGAL ADVISERS TO UNIONS; THEY HAVE SINCE  
BEEN RELEASED IN AN AMNESTY DECLARED BY PRESIDENT MORALES  
BERMUDEZ IN APRIL 1976.

ARTICLE 11: THE RIGHT TO A FAIR TRIAL IS GENERALLY OB-  
SERVED IN PERU, WITHIN THE TRADITIONAL CONSTRAINTS OF  
LATIN AMERICAN JURISPRUDENCE. IN A SMALL NUMBER OF CASES,  
POLITICAL OR SECURITY FACTORS ARE GIVEN PRIORITY, AND  
TRIAL IS BY SPECIAL COURTS MARTIAL.

## 2. OTHER FREEDOMS

THE PERUVIAN GOVERNMENT DOES NOT CONDONE RACIAL DISCRIM-  
INATION OF ANY KIND, AND THAT WHICH IS EVIDENT RESULTS  
FROM TRADITIONAL ATTITUDES OF THE SOCIETY. THE REVOLU-  
TIONARY GOVERNMENT HAS TAKEN ACTIVE STEPS TO IMPROVE  
ACCESS TO LEGAL RESOURCES AND PROVIDE IMPROVED ECONOMIC  
AND EDUCATIONAL OPPORTUNITIES TO ITS LARGE INDIAN POPU-  
LATION, WHICH HAS BEEN EXPLOITED SINCE THE SPANISH CONQUEST

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PERUVIANS ARE FREE TO TRAVEL WITHIN THE COUNTRY, WITHIN  
THE CONTEXT OF THE RESTRAINTS OF THE PRESENT STATE OF  
EMERGENCY. NO SIGNIFICANT POLITICAL LIMITATIONS ARE  
PLACED ON TRAVEL ABROAD.

IN THE PROCESS OF ATTEMPTING TO ACHIEVE BROADER STATE AND  
POPULAR PARTICIPATION IN PERU'S ECONOMIC PROCESSES, THE  
MILITARY GOVERNMENT HAS EXPROPRIATED PROPERTY. COMPEN-

SATION HAS BEEN PAID TO US INVESTORS IN THESE CASES UNDER THE AEGIS OF AGREEMENTS NEGOTIATED WITH THE GOOD OFFICES OF THE US GOVERNMENT. PERSONAL PROPERTY, AS DIFFERENTIATED FROM INCOME-PRODUCING PROPERTY, IS RESPECTED.

1974 AND WERE TO BE ASSIGNED WITHIN A SPECIFIED TIME PERIOD

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TO VARIOUS ORGANIZED SECTORS OF SOCIETY (PEASANTS, LABOR ORGANIZATIONS, INTELLECTUALS, ETC.) UNDER A VARIETY OF GOVERNMENT CONTROLS. HOWEVER, GOVERNMENT RELINQUISHMENT OF DIRECT EDITORIAL CONTROL OF NEWSPAPERS HAS BEEN POSTPONED TWICE SINCE 1974, AND A NEW HIGH-LEVEL COMMISSION HAS BEEN APPOINTED TO STUDY THE SITUATION OF THE PRESS AND MAKE RECOMMENDATIONS. RADIO, TELEVISION AND WIRE SERVICE REPORTINGS ARE MONITORED BY A NATIONAL INFORMATION OFFICE. THE MORALES BERMUDEZ GOVERNMENT PERMITTED PRIVATELY-OWNED WEEKLY JOURNALS CLOSED BY VELASCO TO REOPEN. FOLLOWING THE JULY 1, 1976 DISTURBANCES, HOWEVER, POLITICAL PERIODICALS OF BOTH RIGHT AND LEFT WERE CLOSED.

ALTHOUGH POLITICAL PARTIES CONTINUE TO EXIST LEGALLY IN PERU, THEY ARE PERMITTED NO DIRECT ROLE IN SHAPING GOVERNMENT POLICIES. UNDER THE PRESENT STATE OF EMERGENCY, THEY DO NOT ENJOY THE RIGHTS OF PUBLIC ASSEMBLY. IN NORMAL TIMES THE PARTIES HOLD OUTDOOR ASSEMBLIES ONLY WITH EXPRESS GOVERNMENT PERMISSION.

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#### C. US GOVERNMENT ACTION IN HUMAN RIGHTS AREA

##### 1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

WE HAVE NOT FORMALLY RAISED WITH THE GOP ANY SPECIFIC CASES OF IMPUTED VIOLATION OF HUMAN RIGHTS INVOLVING PERUVIANS. BOTH IN WASHINGTON AND LIMA, HOWEVER, WE HAVE EMPHASIZED TO THE GOP OUR BASIC COMMITMENT TO HUMAN RIGHTS AND CALLED ATTENTION TO RECENT HUMAN RIGHTS LEGISLATION AFFECTING ASSISTANCE TO PERU.

RECENT US CULTURAL EXCHANGE PROGRAMS IN PERU HAVE MADE CLEAR OUR CONCERN FOR THE FULL AND PROPER OBSERVANCE OF HUMAN RIGHTS. UNDER USG AUSPICES, GEORGE REEDY, DEAN OF MARQUETTE UNIVERSITY'S JOURNALISM SCHOOL, SPOKE CLEARLY TO THE PERUVIAN PRESS OF THE US COMMITMENT TO HUMAN RIGHTS, AND FEMINIST LEADER JOAN GOODIN OF THE US RAILWORKERS UNION ELUCIDATED WORLDWIDE DEVELOPMENTS IN WOMEN'S RIGHTS. LABOR LEADER EXCHANGES HAVE ALSO DEMONSTRATED US SUPPORT FOR HUMAN RIGHTS AND THE DEVELOPMENT OF FREE AND INDEPENDENT INSTITUTIONS.

USG CONCERN OVER HUMAN RIGHTS HAS BEEN DEMONSTRATED AS WELL IN US CITIZEN PROTECTION CASES. IN JULY 1976, THE AMBASSADOR CALLED UPON THE FOREIGN MINISTER TO REQUEST THAT US CITIZENS CAUGHT UP IN THE DRUG TRAFFIC RECEIVE SPEEDIER TRIALS. IN AUGUST OUR CHARGE D'AFFAIRES ALSO CALLED UPON THE ACTING HEAD OF THE NATIONAL COUNCIL OF JUSTICE (OVERSEER OF THE COURT SYSTEM) TO DRIVE HOME

THE NEED FOR SPEEDY TRIALS. THE EMBASSY IS IN REGULAR CONTACT WITH THE GOP ATTORNEY GENERAL ON PRINCIPLES OF HUMAN RIGHTS PROTECTION IN REGARD TO SPECIFIC CASES INVOLVING US CITIZENS.

PERU HAS COOPERATED IN THE INTERNATIONAL PROTECTION OF LIMITED OFFICIAL USE  
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HUMAN RIGHTS THROUGH THE UN AND THE OAS. THE PERUVIAN IMMIGRATION OFFICE HAS COOPERATED CLOSELY WITH THE US EMBASSY AND THE UN HUMAN RIGHTS COMMISSION TO FACILITATE THE IMMIGRATION TO THE US OF CHILEAN REFUGEES.

## 2. DISASSOCIATION OF US SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

NO US AID IS EXTENDED TO THE PERUVIAN POLICE, EXCEPT IN THE FIELD OF DRUG CONTROL AND INTERDICTION. ASSISTANCE TO THE PERUVIAN MILITARY HAS BEEN MODEST AND HAS NOT CONTRIBUTED DIRECTLY TO ANY CAPABILITY TO ENGAGE IN REPRESSION.

### D. US SECURITY ASSISTANCE PROGRAM

#### 1. JUSTIFICATION FOR CONTINUATION OF PROGRAM

THE US SECURITY ASSISTANCE PROGRAM FOR PERU CONSISTS OF:

-- GRANTS LIMITED TO FOREIGN MILITARY TRAINING (AT A COST OF ABOUT DOLS 900,000 A YEAR);

-- DOLS 20 MILLION IN FMS CREDIT SALES IN FY 76; AND

-- CLEARANCE FOR COMMERCIAL MILITARY PROCUREMENT FROM THE US (UP TO DOLS 18 MILLION MAXIMUM).

THESE PROGRAMS ARE CAREFULLY MONITORED TO AVOID ANY USG CONTRIBUTION TO REGIONAL TENSIONS OR TO ANY DIRECT OR INDIRECT VIOLATIONS OF HUMAN RIGHTS.

THE US INTERESTS SERVED BY SECURITY ASSISTANCE LIE PRIMARILY IN THE MAINTENANCE OF CONSTRUCTIVE RELATIONS

WITH PERU. THE TRAINING COMPONENT FOSTERS GREATER UNDER-  
STANDING OF THE US AND ITS POLICIES AMONG AN IMPORTANT  
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LEADERSHIP GROUP.

ELIMINATION OF THE US SECURITY ASSISTANCE PROGRAM IN  
PERU WOULD DEPRIVE THE UNITED STATES OF AN IMPORTANT  
INSTRUMENT OF COMMUNICATION AND COOPERATION WITH THAT  
CAN INSURE THE OBSERVANCE OF HUMAN RIGHTS. BUT TO THE

EXTENT THAT THE OBSERVANCE OF THESE RIGHTS IS ENHANCED  
BY AN ATMOSPHERE OF CONFIDENCE AND COOPERATION, THE  
ELIMINATION OF US SECURITY ASSISTANCE MIGHT CONTRIBUTE  
IN THE END TO THE EXACT OPPOSITE OF OUR PRESENT CONCERNS--  
THE DEGRADATION OF THE RESPECT FOR HUMAN RIGHTS IN PERU,  
NOT TO THEIR WIDENING OBSERVANCE.

## 2. NATIONAL INTEREST DETERMINATION

ON THE BASIS OF THE PURPOSES SERVED BY THE SECURITY AS-  
SISTANCE PROGRAM AS DESCRIBED ABOVE, IT IS THE DEPARTMENT  
OF STATE'S VIEW THAT IT IS IN THE U.S. NATIONAL INTEREST  
THAT THE SECURITY ASSISTANCE PROGRAM IN PERU BE CONTINUED  
ALONG PRESENT LINES.  
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